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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Steven J. Hulai

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SMART AND BIGGAR  
438 UNIVERSITY AVENUE  
SUITE 1500 BOX 111  
TORONTO, ON M5G2K8  
CANADA

EXAMINER

LE, DEBBIE M

ART UNIT

PAPER NUMBER

2168

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<p align="center"><b>Office Action Summary</b></p>	<p>Application No.</p> <p>09/846,781</p>	<p>Applicant(s)</p> <p>HULAI ET AL.</p>	
	<p>Examiner</p> <p>DEBBIE M. LE</p>	<p>Art Unit</p> <p>2168</p>	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's arguments on April 16, 2007. Claims 1-16 remain for examination.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract is objected because it contains legal phraseology often used in patent claims, such as "means" and "said," should be avoided (see Applicants's abstract, for example, line 10, respectively).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul (US Patent 7,051,080 B1) in view of Sualpaugh et al (US Patent 7,010,573 B1).

**As per claim 1, Paul discloses a method of presenting data from an application executing at a computing device at a remote wireless device, comprising:**

**receiving at said wireless device, a representation of a text file defining (as XML document, col. 28, lines 33-40):**

**a format of a user interface for the application at said wireless device (col. 6, lines 53-67, col. 7, lines 1-10);**

**a format for storing data related to said application at said wireless device (col. 10, lines 10-35);**

**receiving data from said application in accordance with said format of network transactions, and presenting said data at said wireless device using said user interface (col. 2, lines 43-64, col. 8, lines 43-62).**

Paul does not explicitly teach a representation of a text file defining: a format of network messages for exchange of data generated by said application. However, Saulpaugh discloses a representation of a text file defining: a format of network messages for exchange of data generated by said application (as message gate, col.

21, lines 40-67). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to provide a representation of a text file defining a format of network messages for exchange of data as disclosed by Saulpagh because it would enable the mobile device capable of communicating among network clients and services.

**As per claim 2, Paul teaches** wherein said text file is received at said device and wherein said text file is an XML file (col. 28, lines 32-40).

**As per claim 3, Paul teaches** wherein said text file is parsed, and a representation of said text file is stored at said device (col. 9, lines 33-35, col. 10, lines 10-35).

**As per claim 4, Paul teaches** storing data generated by said application at said wireless device using said format for storing data (col. 10, lines 10-35).

**As per claim 5, Paul teaches** the text file defines screens, events arising in response to interaction with said screens, and actions for processing said events (col. 2, lines 38-62).

**As per claim 6, Saulpagh teaches** wherein said format of network messages comprises XML definitions for said network messages, and wherein data for said application are dispatched from said mobile device using said XML definitions ((col. 14, lines 20-40).

**As per claim 7, Paul discloses a wireless mobile device (Fig. 1, # 101) comprising**

**a processor, computer readable memory in communication with said processor, storing virtual machine software controlling operation of said device (Fig. 1, # 110) said virtual machine software comprising:**

**a parser for receiving a text file (Fig. 1, # 112, col. 9, lines 32-35);**

**a screen generation engine, for presenting at least one screen at said device in accordance with said text file (col. 6, lines 63-67, col. 7, lines 1-10);**

**an event handler for processing events arising in response to interaction with said at least one screen in accordance with said text file (col. 6, lines 41-60).**

Paul does not explicitly teach object classes corresponding to actions to be taken by said in response to interaction, object classes corresponding to a data table for storing data at said wireless mobile device an object class corresponding to a network message to be received or transmitted by said wireless mobile device (as message gate code, col. 21, lines 40-67). However, Saulpaugh discloses object classes (as java code) corresponding to actions to be taken by said in response to interaction corresponding to a data table for storing data at said wireless mobile device an object class corresponding to a network message to be received or transmitted by said wireless mobile device (as message gate code, col. 21, lines 40-67). Thus, it would have been obvious to one of ordinary skill on the art at the time invention was made to combine the teachings of the cited references to provide a representation of a text file defining a format of network messages for exchange of data as disclosed by Saulpaugh because it would enable the mobile device capable of communicating among network clients and services.

**As per claim 8, Paul teaches** wherein said memory further stores a representation of said text file (col. 11, lines 52-65).

**As per claim 9, Paul teaches** wherein said representation of said text file is created by said parser (col. 8, lines 23-35).

**As per claim 10, Paul teaches** wherein said parser comprises an XML parser (col. 9, lines 33-35).

**As per claim 11, Paul teaches** wherein said object classes corresponding to action to be taken comprise object classes that present screen elements at said device (col. 2, lines 60-64, col. 11, lines 12-48).

**As per claim 12, Paul teaches** object classes enabling exchange of data between said wireless device and a computing device over a network, wherein said data is formatted in accordance with definitions within said text file (col. 14, lines 20-40).

**Claim 13** is rejected by the same rationale as state in independent claim 1 arguments.

Claims 14-16 have similar limitations as claims 2-6; therefore, they are rejected under the same subject matter.

### ***Response to Arguments***

Applicant's arguments on 10/30/06 have been considered and found persuasive, thus Applicant's arguments, see remarks page 5, third paragraph filed 10/30/06, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

Art Unit: 2168

However, upon further consideration, a new ground(s) of rejection is made in view of the above detailed rejection.

### ***Response to Arguments***

Applicant's arguments filed April 16, 2007 have been fully considered but they are not persuasive.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Paul discloses a wide variety of mobile devices that have different protocols, it is generally cost prohibitive to try to duplicate all the functionality of a network-based service for each possible mobile device (col. 3, lines 24-40). Paul further discloses that "according to the Internet protocol (IP), a program on one device connected to the network interacts with another program located on another device with asynchronous stateless message (col. 1, lines 62-63), and while Saulpaugh discloses "it may still be desirable to interconnect a wide range variety of different types of intelligent devices". Because the two references are concerned with the solution to the problem of connecting a variety of mobile devices to share messages (i.e., resource), there is an implicit motivation to combine these



references. In other words, the ordinary skilled artisan, during his/her quest for a solution to the cited problem, would look to the cited references at the time the invention was made. Consequently, the ordinary skilled artisan, would have been motivated to combine the cited references since Saulpaugh's teaching would enable mobile device of Paul's system to capable of communicating and sharing the resource among network devices as taught by Saulpaugh (col. 2, lines 3-5).

Applicant argues that a server 110 recites in Figure 1 of Paul does not refer to a wireless mobile device 101 because the wireless mobile device 101 somehow distinct a part of from the server 110.

In response, the claim 7 calls for "a wireless mobile device comprising: a processor; computer-readable memory in communication with said processor, storing virtual machine software controlling operation of said wireless mobile device, said virtual machine software comprising..." The examiner interprets that "a wireless mobile device" (as Fig. 1, element 101, wireless mobile device); "...computer-readable memory in communication with said processor, storing virtual machine software controlling operation of said wireless mobile device" (as Fig. 1, element 110, mobile application server) which would equivalent to applicant's claimed element "computer-readable memory...storing virtual machine software" that is this mobile application server 110 has the functionality to "controlling operation of said wireless mobile device". The claim does not clearly state that the computer readable memory for storing virtual machine software that is recited within the wireless mobile device. Consequently, Paul does teach the claimed invention "a processor; computer-readable memory in communication

with said processor, storing virtual machine software controlling operation of said wireless mobile device”.

Applicants’ argues that “message gate code” is disclosed by Saulpaugh does not teach the claim elements “object classes corresponding...or transmitted by said wireless mobile device.”

In response, the examiner respectfully disagrees. Since Paul discloses a screen generation engine, an event handler... in response to interaction...at least one screen in accordance with said text file, the examiner relies upon Saulpaugh for the teaching of the object classes are created and the message gate code is generated corresponding to interaction by wireless mobile device.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 2168

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
DEBBIE LE  
PRIMARY EXAMINER  
7/3/07